

Appl. No. 10/724,374
Amdt. dated Feb. 11, 2005
Reply to Office Action of December 6, 2004

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

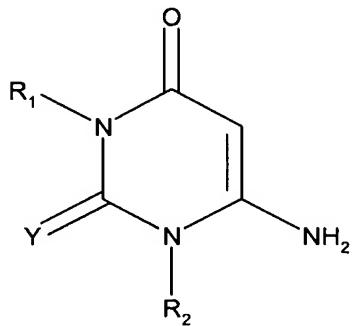
Claims 1-5, and 8-24 are pending in the application with claims 6 and 7 having been canceled, claims 1-4 and 14-21 having been withdrawn, claims 5 and 22 having been amended, and new claims 23 and 24 added.

Applicants affirm the election of Group I, claims 5-13 and 22, for prosecution.

Claims 5, 6, 9-13, and 22 have been rejected under 35 U.S.C. 102(b) as being anticipated by Wehner et al. (U.S. Patent No. 6,084,013).

Wehner et al. disclose stabilizer combinations comprising

A) at least one compound of the formula



in which R₁ and R₂ independently of one another are C₁ -C₁₂ -alkyl, C₃ -C₆ -alkenyl, C₅ -C₈ -cycloalkyl which is unsubstituted or substituted by 1 to 3 C₁ -C₄ -alkyl-, C₁ -C₄ -alkoxy-, C₅ -C₈ -cycloalkyl or hydroxyl groups or chlorine atoms, or are C₇ -C₉ -phenylalkyl which is unsubstituted or substituted on the phenyl ring by 1 to 3 C₁ -C₄ -alkyl, C₁ -C₄ -alkoxy, C₅ -C₈ -cycloalkyl or hydroxyl groups or chlorine atoms, and R₁ and R₂ can additionally be hydrogen,

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and Y is S or O, and

B) at least one compound from the group of the calcium aluminum hydroxides and/or their hydrates and/or

C) at least one compound from the group of the calcium aluminum hydrogen phosphites and/or their hydrates and/or

D) at least one compound of the group of the aluminum hydroxides and/or their hydrates and/or

E) at least one compound from the group of the calcium aluminum hydroxo (hydrogen) carbonates and/or their hydrates and/or

F) at least one compound from the group of the lithium layered lattice compounds and/or their hydrates and/or

G) at least one compound from the group of the titanium-containing hydrotalcites and/or their hydrates which are suitable for stabilizing chlorine-containing polymers, especially PVC.

It is noted that this rejection was not applied to claims 7 and 8. The feature of claim 7 has been incorporated into claims 5 and 22 by the above amendments and claim 7, as well as claim 6, have been canceled. Claims 8-13 are all dependent, directly or independently, upon claim 5.

Accordingly, it is requested that the rejection of claims 5, 6, 9-13, and 22 under 35 U.S.C. 102(b) as being anticipated by Wehner et al. be withdrawn.

Claims 5, 6, 9-13, and 22 have been rejected under 35 U.S.C. 102(b) as being anticipated by Isao et al. (U.S. Patent No. 4,659,764).

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Isao et al. disclose a polyvinyl chloride powder molding composition that is said to be resistant to staining upon thermal exposure when used as a covering for polyurethane articles. Staining of the mold lining is also said to be inhibited. The polymer composition affording these advantages comprises a dry blended mixture of a vinyl chloride resin, a plasticizer, a pigment, a filler and as a thermal stabilizer, a barium-zinc C₆ to C₉ carboxylic acid soap mixture and at least one inorganic magnesium compound.

It is noted that this rejection was not applied to claims 7 and 8. The feature of claim 7 has been incorporated into claims 5 and 22 by the above amendments and claim 7, as well as claim 6, have been canceled. Claims 8-13 are all dependent, directly or independently, upon claim 5. Further, the only disclosure of a perchlorate in Isao et al. is magnesium perchlorate. The claims pending in the present application have been amended to be directed to alkali metal perchlorates. Hence, they do not read on the magnesium perchlorate of Isao et al.

Accordingly, it is requested that the rejection of claims 5, 6, 9-13, and 22 under 35 U.S.C. 102(b) as being anticipated by Isao et al. be withdrawn.

Claims 7 and 8 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Isao et al. in view of Brown (U.S. Patent No. 4,464,495).

Isao et al. has been discussed above. It is submitted that the disclosure of Brown fails to supplement the inadequacy of Isao et al. as a reference against the present claims.

Brown discloses that improved vinyl halide polymer compositions containing smoke retarding amounts of copper oxalate and an amine molybdate form less smoke and have decreased flame spread on burning in the ASTM E-84 test when the compositions also

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contain about 5 to 15 weight parts each of a Group IIA alkaline earth metal carbonate, titanium dioxide and aluminum hydrate. Also disclosed are rigid vinyl halide polymer compositions, substantially free of liquid ester type plasticizers, also containing styrene copolymer process modifiers, copolymers of ethylene and vinyl acetate and graft copolymers of methacrylates, butadiene, and styrenes (MBS) polymers

All of the claims pending in the application that have not been withdrawn have been amended to include the feature that the aluminum hydroxide is present at a level in the range of from 15 parts by weight to 150 parts by weight per 100 parts by weight of polyvinyl chloride and that an alkali metal perchlorate is also present. Brown makes no mention of an alkali metal perchlorate and Isao et al., as noted above, discloses only the use of magnesium perchlorate.

Accordingly, it is requested that the rejection of claims 7 and 8 under 35 U.S.C. 103(a) as being unpatentable over Isao et al. in view of Brown be withdrawn.

The specification has been amended to include a cross-reference to related Application Serial No. 10/035,129, filed January 4, 2002, which is now abandoned.

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In view of the foregoing, it is submitted that this application is now in condition for allowance and an early Office Action to that end is earnestly solicited.

Respectfully submitted,

9 Feb 05
Date

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